

REMARKS

Claims 1-20 are pending. Claims 2 and 10 are amended in this response.

According to the Office Action, applicant is required to elect a single invention to which the claims must be restricted, between the Groups:

Group I, claims 1, 3-4, and 7-9 drawn to an asiaticoside-liposome containing ceramide; and
Group II, claims 2, 5-6, and 10-20 drawn to a process of producing an asiaticoside-liposome composition. As a basis for this requirement, page 2 of the Office Action indicates that "the inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I invention is directed to a specific composition containing ceramide whereas the method of production is directed to a composition without ceramide".

This requirement is respectfully traversed. As set forth in detail above, claims 2 and 10 have been amended to explicitly recite the phrase "..., wherein the lipid components comprise ceramide...". The amendment is supported throughout the specification as originally filed. For example, on page 3, following the recitation of the preparataion steps, the penultimate paragraph recites "[i]n the liposomes compositions and formulation of the present invention, ceramide is included in the liposomal bilayer structure..." (Page numbers referring to those of the Clean Copy of the substitute specification filed July 29, 2005). Moreover, for example, ceramide, clearly a lipid component, is explicitly recited in each of Examples 1-3 in the fusing step (the step corresponding to step b) of claims 2 and 10). Accordingly, Applicants submit that no new matter is introduced by way of this submission. Page numbers refer to those of the Clean Copy of the substitute specification filed July 29, 2005.

Therefore, particularly in light of these Amendments to claims 2 and 10, which explicitly include the recitation directed to "...ceramide"; Applicants submit that claims 2, 5-6, and 10-20 should be considered as sharing the requisite special technical feature referred to in the Office Action with the invention of Group I. Therefore, all the pending claims should be considered as a single invention group and examined together as such. Based on all of the above, reconsideration and withdrawal of the present restriction between Groups I and II, and examination of all the present pending claims as a single invention Group, are respectfully requested.

Notwithstanding applicants' traversal of the Restriction Requirement as set forth above, applicants hereby elect the invention of Group I; claims 1, 3-4, and 7-9, for examination in the present application. This election is being made by applicant in order to be fully responsive to the outstanding restriction requirement. This election is being made with traverse for the reasons stated above.

CONCLUSION

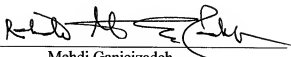
In light of all of the above Amendments and Remarks, Applicants submit that all the claims are now in condition for allowance, and a notice to this effect is respectfully solicited.

A petition and fee for a 1 month extension of time under 37 C.F.R. 1.136 is submitted herewith. It is not believed that any other fees are due with this response. However, in the event that there are any fees associated with the filing of this response, the commissioner is hereby authorized to charge the appropriate amount to Deposit Account number 12-2136.

Should the examiner have any questions regarding this submission, or in the event that a telephone interview may otherwise expedite the prosecution of this case, the examiner is invited to contact the undersigned at (734) 302-1029.

Respectfully submitted,

Dated: October 09, 2009

A handwritten signature in black ink, appearing to read 'Mehdi Ganjeizadeh', written over a horizontal line.

Mehdi Ganjeizadeh
Registration No. 47, 585
Butzel Long
350 S. Main Street, Ste. 300
Ann Arbor, MI 48104
Tel. (734) 213-1029
Fax (734) 995-1777